

SAC-SIERRA CHAPTER



P.O. Box 1818
Shingle Springs CA 95682

E-mail Address: tusacsierra@hotmail.com

February 27, 2009

Pamela Creedon
Executive Officer
CVRWQCB
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

Re: Rubicon Trail Clean-up and Abatement Order

Dear Ms. Creedon:

Thank you for monitoring and addressing the water quality issues affecting the public health and the trout in streams leading off the Rubicon Trail. I'm writing to you on behalf of the Sac-Sierra Chapter of Trout Unlimited whose boundaries include the Rubicon Trail. We feel strongly that this problem has continued far too long and we agree with your draft order. While the Rubicon is a county road, the lands surrounding it are National Forest lands which are also being destroyed by some off-roaders who refuse to stay on the designated trail or remove their trash when leaving. We congratulate you, as a regulatory agency, for bringing this issue into public view.

When El Dorado County asserted ownership of the Rubicon as an un-maintained county road, they also assumed responsibility for ensuring it doesn't violate water quality standards or other environmental regulations, including those associated with maintaining the natural habitat of fisheries in streams affected by this trail.

The State of California provided the County over \$400,000 in grants to develop a Trail Management Plan (TMP) and Draft Environmental Impact Report that assured the Rubicon Trail would be managed in compliance with environmental regulations. Those documents were completed, but discarded by the County who said they couldn't afford to manage the trail. The discarded plan included user fees that would have made the Rubicon self-supporting. If the County had approved the TMP, it would have saved the county the \$800,000 they are so worried about now.

The County claims it will cost them \$800,000 a year to manage the Rubicon. We agree that the taxpayers of El Dorado County should not be required to foot the bill for what has become a playground for off-roaders, many of whom take off-roading to extremes. We also agree that the County should not be fined on a daily basis if they are proceeding in a timely manner to comply with your draft order. The 35,000 off-roaders who use the trail every year (many from out-of-county) should cover these expenses and would have to pay less than \$23 each to cover the costs of maintenance. After all, they are the primary users of this road and the ones creating the expense of clean-up, repair and restoration.

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The County asserts it is already planning to do much of what is required in the draft order. That being the case, the requirements of the draft order should not be an unforeseen burden to the county. What the County does not provide is a timeline for completion or incentive to actually do the work. If the County will provide a realistic timeline for completion, maybe the Water Board's final order might suspend any fines, holding them in abeyance as incentive to actually follow the timelines the County self-imposes.

The Water Board staff did their assessment of the Rubicon after an asserted 30,000 volunteer hours of clean-up by OHV enthusiasts. Staff's findings indicate that volunteers with shovels and garbage bags are not going to solve the enormous engineering and reconstruction needs of the trail. Volunteers organizing work parties to pick up their own trash and human waste are a great start, but it does not solve all the problems caused by inappropriate use.

The Rubicon passes through high alpine terrain identical to the terrain in the adjacent Desolation Wilderness. The difference between the pristine Desolation Wilderness unaffected by the off-roaders abuse and the area surrounding the Rubicon is appalling. The Forest Service limits use in Desolation through a quota system and a permit fee. The County could do the same for the Rubicon Trail. We, the Sac-Sierra Chapter of Trout Unlimited, fully support your draft order.

Sincerely,

Kevin Mather
President, Sac-Sierra Chapter of Trout Unlimited

cc: Ramiro Villalvazo, Forest Supervisor
100 Forni Rd.

Placerville, Ca. 95667